

Superseded 5/10/2016

31A-35-504 Failure to pay bail bond forfeiture -- Grounds for suspension and revocation of bail bond surety license.

- (1) As used in this section:
 - (a) "Company" means a bail bond surety company.
 - (b) "Judgment" means a judgment of bond forfeiture issued under Section 77-20b-104.
- (2)
 - (a)
 - (i) A company shall pay a judgment not later than 15 days following service of notice upon the company from a prosecutor of the entry of the judgment.
 - (ii) A company may pay a bond forfeiture to the court prior to judgment.
 - (b)
 - (i) A prosecutor who does not receive proof of or notice of payment of the judgment within 15 days after the service of notice to the company of a judgment shall notify the commissioner of the failure to pay the judgment.
 - (ii) The commissioner shall notify the company, by the most expeditious means available, of the nonpayment of the judgment.
 - (iii) The company shall satisfy the judgment within five business days after receiving notice under Subsection (2)(b)(ii). If the judgment is not satisfied at the end of the five days, the commissioner may suspend the company's license under Subsection (3).
 - (c) If notice of entry of judgment is served upon the company by mail, three additional days are added to the 15 days provided in Subsections (2)(a), (2)(b), and (2)(d).
 - (d) A prosecutor may not proceed under Subsection (2)(b) if a company, within 15 days after service of notice of the entry of judgment is served:
 - (i) files a motion to set aside the judgment or files an application for an extraordinary writ; and
 - (ii) provides proof that the surety has posted the judgment amount with the court in the form of cash, a cashier's check, or certified funds.
 - (e) As used in this section, the filing of the following tolls the time within which a company is required to pay a judgment if the motion or application is filed within 15 days after the day on which service of notice of the entry of a judgment is served:
 - (i) a motion to set aside a judgment; or
 - (ii) an application for extraordinary writ.
- (3) The commissioner shall suspend the license of the company not later than five days following the company's failure to satisfy the judgment as required under Subsection (2)(b).
- (4) If the prosecutor receives proof of or notice of payment of the judgment during the suspension period under Subsection (3), the prosecutor shall immediately notify the commissioner of the payment. The notice shall be in writing and by the most expeditious means possible, including facsimile or other electronic means.
- (5) The commissioner shall lift a suspension under Subsection (3) within five days of the day on which all of the following conditions are met:
 - (a) the suspension has been in place for no fewer than 14 days;
 - (b) the commissioner has received written notice of payment of the unpaid forfeiture from the prosecutor; and
 - (c) the commissioner has received:
 - (i) no other notice of any unpaid forfeiture from a prosecutor; or
 - (ii) if a notice of unpaid forfeiture is received, written notice from the prosecutor that the unpaid forfeiture has been paid.

- (6) The commissioner shall commence an administrative proceeding and revoke the license of a company that fails to meet the conditions under Subsection (5) within 60 days following the initial date of suspension.
- (7) This section does not restrict or otherwise affect the rights of a prosecutor to commence collection proceedings under Subsection 77-20b-104(5).